

CITY COUNCIL MINUTES
NORMAN UTILITIES AUTHORITY MINUTES
NORMAN MUNICIPAL AUTHORITY MINUTES
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES

November 24, 2009

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building on the 24th day of November, 2009, at 6:30 p.m., and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray and at the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
ABSENT:	Councilmember Dillingham

The Pledge of Allegiance was led by Mayor Rosenthal.

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CONSENT DOCKET

Councilmember Kovach moved that Item 4 through Item 25 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Cubberley; and the question being upon the placement on the consent docket by unanimous vote of Item 4 through Item 25, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Item 4 through Item 25 were placed on the consent docket by unanimous vote.

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Item 4, being:

APPROVAL OF THE MINUTES AS FOLLOWS:

- CITY COUNCIL TRANSPORTATION COMMITTEE MINUTES OF OCTOBER 15, 2009
- CITY COUNCIL FINANCE COMMITTEE MINUTES OF OCTOBER 21, 2009
- CITY COUNCIL STUDY SESSION MINUTES OF NOVEMBER 3, 2009
- JOINT CITY COUNCIL OVERSIGHT/FINANCE COMMITTEE MINUTES OF NOVEMBER 4, 2009
- CITY COUNCIL CONFERENCE MINUTES OF NOVEMBER 10, 2009
- CITY COUNCIL MINUTES OF NOVEMBER 10, 2009
- NORMAN UTILITIES AUTHORITY MINUTES OF NOVEMBER 10, 2009
- NORMAN MUNICIPAL AUTHORITY MINUTES OF NOVEMBER 10, 2009
- NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF NOVEMBER 10, 2009

Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, Councilmember Cubberley moved that the minutes be approved and the filing thereof be directed, which motion was duly seconded by Councilmember Kovach;

- Items submitted for the record
- 1. City Council Transportation Committee minutes of October 15, 2009
 - 2. City Council Finance Committee minutes of October 21, 2009
 - 3. City Council Study Session minutes of November 3, 2009
 - 4. Joint City Council Oversight/Finance Committee minutes of November 4, 2009
 - 5. City Council Conference minutes of November 10, 2009
 - 6. City Council minutes of November 10, 2009
 - 7. Norman Utilities Authority minutes of November 10, 2009
 - 8. Norman Municipal Authority minutes of November 10, 2009
 - 9. Norman Tax Increment Finance Authority minutes of November 10, 2009

Item 4, continued:

and the question being upon approving the minutes and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the minutes approved; and the filing thereof was directed.

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Item 5, being:

CONSIDERATION OF THE FOLLOWING ORDINANCE UPON FIRST READING BY TITLE:

ORDINANCE NO. O-0910-11: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ORDINANCE NO. O-0001-13, THE NRH MEDICAL PARK WEST PLANNED UNIT DEVELOPMENT, TO AMEND PUD NARRATIVE AND DESIGN GUIDELINES FOR A TRACT OF LAND LYING WITHIN THE NORTHWEST QUARTER OF SECTION FOURTEEN, TOWNSHIP NINE NORTH, RANGE THREE WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED SOUTH OF TECUMSEH ROAD BETWEEN 36TH AVENUE N.W. AND I-35 SERVICE ROAD)

Councilmember Cubberley moved that the ordinance be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Kovach;

- Items submitted for the record
1. Memorandum dated November 13, 2009, from Doug Koscinski, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers
 2. Ordinance No. O-0910-11
 3. Site development plan
 4. Location map
 5. Annotated NRH Medical Park West Development Plan, October, 2009, Revision
 6. Medical Park West Design Guidelines revised November, 2009, prepared for NRH Medical Park West, L.L.C., prepared by Lockard Norman Developers, L.L.C.
 7. Medical Park West Design Guidelines (changes to original document)
 8. Staff Report dated November 12, 2009, recommending approval
 9. Pertinent excerpts from Planning Commission minutes of November 12, 2009

and the question being upon the Introduction and adoption of the ordinance upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the ordinance was Introduced, read, and adopted upon First Reading by title.

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Item 6, being:

SUBMISSION OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF OCTOBER 31, 2009.

Councilmember Cubberley moved that receipt of the report be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

- 1. Finance Director's Investment Report of October 31, 2009

and the question being upon acknowledging receipt of the report and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and receipt of the report acknowledged; and the filing thereof was directed.

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Item 7, being:

SUBMISSION OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF OCTOBER, 2009.

Councilmember Cubberley moved that receipt of the reports be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

- 1. Monthly Departmental Reports for the month of October, 2009

and the question being upon acknowledging receipt of the reports and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and receipt of the reports acknowledged; and the filing thereof was directed.

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Item 8, being:

CONSIDERATION OF BID NO. 0910-33, CONTRACT NO. K-0910-114 WITH SILVER STAR CONSTRUCTION COMPANY, INC., IN THE AMOUNT OF \$735,108, PERFORMANCE BOND NO. B-0910-37, STATUTORY BOND NO. B-0910-38, MAINTENANCE BOND NO. MB-0910-35, AND RESOLUTION NO. R-0910-67 FOR THE URBAN ASPHALT REHABILITATION PHASE II BOND PROJECT.

Councilmember Cubberley moved that all bids meeting specifications be accepted; the bid in the amount of \$735,108 be awarded to Silver Star Construction Company, Inc., as the lowest and best bidder meeting specifications; Contract No. K-0910-114 and the performance, statutory, and maintenance bonds be approved; the filing of the bonds be directed; execution of the contract be authorized; and Resolution No. R-0910-67 be adopted, which motion was duly seconded by Councilmember Kovach;

Item 8, continued:

Items submitted for the record

- 1. Memorandum dated October 30, 2009, from Doug Danner, Bond Projects Manager, to Honorable Mayor and City Councilmembers
- 2. Bid tabulation dated October 29, 2009, for Urban Asphalt Rehabilitation Phase II Bond Projects
- 3. Location map
- 4. Contract No. K-0910-114
- 5. Performance Bond No. B-0910-37
- 6. Statutory Bond No. B-0910-38
- 7. Maintenance Bond No. MB-0910-35
- 8. Resolution No. R-0910-67

and the question being upon accepting all bids meeting specifications and upon the subsequent awarding of the bid, approval, directive, authorization, and adoption, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and all bids meeting specifications accepted; the bid in the amount of \$735,108 was awarded to Silver Star Construction Company, Inc., as the lowest and best bidder meeting specifications; Contract No. K-0910-114 and the performance, statutory, and maintenance bonds were approved; the filing of the bonds was directed; execution of the contract was authorized; and Resolution No. R-0910-67 was adopted.

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Item 9, being:

CONSIDERATION OF ACCEPTANCE OF THE FOLLOWING EASEMENTS FOR THE RAW WATER LINE PROJECT, PHASE I (EAST FROM THE WATER TREATMENT PLANT TO 60TH AVENUE N.E.):

<u>EASEMENT NO.</u>	<u>GRANTOR</u>	<u>EASEMENT</u>	<u>COST</u>
E-0910-29	JORGE NICOLAS	PERMANENT PUBLIC UTILITY	\$1,500
E-0910-30 (T)	CLAROS	AND TEMPORARY CONSTRUCTION	
E-0910-31	LISA R. MAYS FAMILY	PERMANENT PUBLIC UTILITY	\$3,000
E-0910-32 (T)	TRUST	AND TEMPORARY CONSTRUCTION	
E-0910-33	LACRECIA KAY	PERMANENT PUBLIC UTILITY	\$3,000
E-0910-34 (T)	LASATER	AND TEMPORARY CONSTRUCTION	
E-0910-35	BILLY R. AND FLORA	PERMANENT PUBLIC UTILITY	\$4,560
E-0910-36 (T)	ELLEN CURRY	AND TEMPORARY CONSTRUCTION	
E-0910-37	JOHN G. AND CONNIE A.	PERMANENT PUBLIC UTILITY	\$2,275
E-0910-38 (T)	OFFENBURGER	AND TEMPORARY CONSTRUCTION	

Acting as the City Council and Norman Utilities Authority, Councilmember Cubberley moved that the easements be accepted, the filing of the permanent easements with the Cleveland County Clerk and the temporary easements with the City Clerk be directed, and payment for the easements be authorized, which motion was duly seconded by Councilmember Kovach;

Item 9, continued:

Items submitted for the record

- 1. Memorandum dated October 27, 2009, from Chris Mattingly, Utilities Superintendent, to Mayor and Council of City of Norman
- 2. Location maps
- 3. Easement No. E-0910-29 with Exhibit 1, location map
- 4. Temporary Easement No. E-0910-30 with Exhibit 1, location map
- 5. Easement No. E-0910-31 with Exhibit 1, location map
- 6. Temporary Easement No. E-0910-32 with Exhibit 1, location map
- 7. Easement No. E-0910-33 with Exhibit 1, location map
- 8. Temporary Easement No. E-0910-34 with Exhibit 1, location map
- 9. Easement No. E-0910-35 with Exhibit 1, location map
- 10. Temporary Easement No. E-0910-36 with Exhibit 1, location map
- 11. Easement No. E-0910-37 with Exhibit 1, location map
- 12. Temporary Easement No. E-0910-38 with Exhibit 1, location map

and the question being upon accepting the easements and upon the subsequent directive and authorization, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the easements accepted; the filing of the permanent easements with the Cleveland County Clerk and the temporary easements with the City Clerk were directed, and payment for the easements was authorized.

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Mayor Rosenthal said in the interest of full disclosure, she was employed by the University of Oklahoma and the following item does not represent any benefit for her personally or there was no direct or indirect conflict that would require her to recuse from voting on the item. There is no benefit, detriment, or employment consequence to her as an employee of the University of Oklahoma.

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Item 10, being:

CONSIDERATION OF ACCEPTANCE OF THE FOLLOWING DONATED EASEMENT IN CONNECTION WITH THE CITY OF NORMAN FIBER OPTIC PROJECT:

<u>EASEMENT NO.</u>	<u>GRANTOR</u>	<u>EASEMENT</u>
E-0910-39	THE UNIVERSITY OF OKLAHOMA	PERMANENT PUBLIC UTILITY

Councilmember Cubberley moved that the easement be accepted and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

- 1. Memorandum dated November 10, 2009, from Jennifer Gray, Telecommunications Administrator, through Anthony Francisco, Finance Director, to Honorable Mayor and Councilmembers
- 2. Letter dated July 2, 2009, from Michael K. Moorman, Director, Architectural and Engineering Services, the University of Oklahoma, to Ms. Kathryn L. Walker, Assistant City Attorney
- 3. Easement No. E-0910-39 with Exhibit A, Legal Description
- 4. Location maps

Item 10, continued:

and the question being upon accepting the easement and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the easement accepted; and the filing thereof with the Cleveland County Clerk was directed.

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Item 11, being:

CONSIDERATION OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR PARK HILL ADDITION, SECTION 2, A PLANNED UNIT DEVELOPMENT, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN.

Councilmember Cubberley moved that the final site development plan and final plat be approved; the public dedications contained within the plat be accepted; the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee’s acceptance of all required public improvements; and the filing of the final site development plan and final plat be directed, which motion was duly seconded by Councilmember Kovach;

- Items submitted for the record
- 1. Memorandum dated August 10, 2009, from Ken Danner, Development Coordinator, to Honorable Mayor and Councilmembers
 - 2. Location map
 - 3. Preliminary plat
 - 4. Final site development plan approved by Planning Commission
 - 5. Revised final site development plan
 - 6. Final plat approved by Planning Commission
 - 7. Revised final plat
 - 8. Staff Report dated April 9, 2009, recommending approval
 - 9. Pertinent excerpts from Planning Commission minutes of April 9, 2009

and the question being upon approving the final site development plan and final plat and upon the subsequent acceptance, authorization, and directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the final site development plan and final plat approved; the public dedications contained within the plat were accepted, the Mayor was authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee’s acceptance of all required public improvements, and the filing of the final site development plan and final plat was directed.

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Item 12, being:

CONSIDERATION OF A FINAL PLAT FOR WINDSTONE ADDITION, SECTION 2, AND THE ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN.

Councilmember Cubberley moved that the final plat be approved; the public dedications contained within the plat be accepted; the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee’s acceptance of all required public improvements and receipt of a Traffic Impact fee in the amount of \$25,892.52; and the filing of the final plat be directed, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

- 1. Memorandum dated November 12, 2009, from Angelo Lombardo, Traffic Engineer, and Ken Danner, Development Coordinator, to Honorable Mayor and Councilmembers
- 2. Location map
- 3. Preliminary plat
- 4. Site plan
- 5. Final plat
- 6. Staff Report dated August 13, 2009, recommending approval
- 7. Pertinent excerpts from Planning Commission minutes of August 13, 2009

and the question being upon approving the final plat and upon the subsequent acceptance, authorization, and directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the final plat approved; the public dedications contained within the plat were accepted, the Mayor was authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee’s acceptance of all required public improvements and receipt of a Traffic Impact fee in the amount of \$25,892.52, and the filing of the final plat was directed.

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Item 13, being:

CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 0910-2 FOR LOT 4, BLOCK 7, SUMMIT LAKES ADDITION, SECTION 6. (300 SUMMIT WAY)

Councilmember Cubberley moved that Consent to Encroachment No. 0910-2 be approved and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

- 1. Memorandum dated November 12, 2009, from R. Blaine Nice, Assistant City Attorney, through Jeff Harley Bryant, City Attorney, to the Honorable Mayor and Councilmembers
- 2. Consent to Encroachment No. 0910-2
- 3. Letter of request dated September 16, 2009, from Robert P. Hendrick, P.E., Consulting Engineer, to Brenda Hall, City Clerk
- 4. Mortgage Inspection Certificate No. 291329 dated June 24, 2009, by D. Mike Dossey, Registered Professional Land Surveyor No. 1431, VMI Inspection, Inc.
- 5. Location maps
- 6. Photographs of 300 Summit Way
- 7. Memorandum dated September 21, 2009, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Doug Koscinski, Current Planning Manager; Ken Danner, Development Coordinator; and Ken Komiske, Director of Utilities
- 8. Memorandum dated November 12, 2009, from Jim Speck, Capital Projects Engineer, to Brenda Hall, City Clerk
- 9. Memorandum dated November 13, 2009, from Doug Koscinski, AICP, Manager of Current Planning, to Brenda Hall, City Clerk
- 10. Memorandum dated November 16, 2009, from Ken Danner, Development Coordinator, to Blaine Nice, Assistant City Attorney

Item 13, continued:

Participants in discussion, continued

11. Letter dated October 6, 2009, from Terri Hayes, Manager – OSP Planning and Engineering Design, AT&T, to Whom It May Concern
12. Letter dated October 8, 2009, from Marshall Birchett, Right-of-Way Agent, Cox Communications, Inc., to Ken Danner, Planning and Community Development
13. Letter dated October 8, 2009, from Shannon Davis, Oklahoma Natural Gas, a Division of ONEOK, to Ken Danner, Development Coordinator Manager, and Drew Norlin, Assistant Development Coordinator
14. Email dated October 9, 2009, from Thad Peterson, Oklahoma Electric Cooperative, to Ken Danner
15. Letter dated October 20, 2009, from Timothy J. Bailey, Right-of-Way Agent, OG&E Electric Services, to Jack Jay, Jack Jay Construction
16. Letter dated November 2, 2009, from Otis D. Jackson, President, Cyborg Enterprises, Inc., to Timothy J. Bailey, Right-of-Way Agent, OG&E

and the question being upon approving Consent to Encroachment No. 0910-2 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Consent to Encroachment No. 0809-2 approved; and the filing thereof with the Cleveland County Clerk was directed.

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Item 14, being:

LIMITED LICENSE NO. 0910-5: LIMITED LICENSE TO PLACE FIVE (5) SIGNS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE DIRECTOR OF THE NORMAN CHRISTMAS DAY COMMUNITY DINNER.

Councilmember Cubberley moved that Limited License No. 0910-5 to place five (5) signs within the public rights-of-way pursuant to a request from the Director of the Norman Christmas Day Community Dinner be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Memorandum dated November 12, 2009, from Doug Koscinski, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers, Norman City Council
2. Letter of request dated November 1, 2009, from Bob Magarian, Director, Norman Christmas Day Community Dinner, to Ms. Brenda Hall, City Clerk
3. Application for Limited License for five signs dated November 1, 2009, from Bob Magarian, Director, Norman Christmas Day Community Dinner
4. Limited License No. 0910-5

and the question being upon approving Limited License No. 0910-5 to place five (5) signs within the public rights-of-way pursuant to a request from the Norman Christmas Day Community Dinner and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Limited License No. 0910-5 to place five (5) signs within the public rights-of-way pursuant to a request from the Norman Christmas Day Community Dinner approved; and the issuance thereof was authorized.

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Item 15, being:

SPECIAL CLAIM NO. 0910-2: A CLAIM IN THE AMOUNT OF \$2,779 SUBMITTED BY SONIC DRIVE IN LOCATED AT 1730 WEST LINDSEY STREET FOR DAMAGES TO A CANOPY FASCIA WHICH WAS STRUCK BY A SANITATION TRUCK.

Councilmember Cubberley moved that Special Claim No. 0910-2 be approved and payment in the amount of \$2,779 be directed contingent upon obtaining a Release and Covenant Not to Sue from Sonic Drive In, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Memorandum dated November 2, 2009, from Rebecca R. Frazier, Assistant City Attorney, through Jeff Harley Bryant, City Attorney, to the Honorable Mayor and Councilmembers
2. Special Claim No. 0910-2 dated August 5, 2009, submitted by Trisha R. Chevalier, Manager, Sonic Drive In, in the amount of \$2,779
3. Quotation No. 06-776-P dated August 13, 2009, in the amount of \$2,779 from Venteaire, L.L.C.
4. Memorandum dated September 17, 2009, from Brenda Hall, City Clerk, to Ken Komiske, Utilities Director, and Jeff Bryant, City Attorney
5. Photographs of damage to canopy fascia

and the question being upon approving Special Claim No. 0910-2 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Special Claim No. 0910-2 approved; and payment in the amount of \$2,779 was directed contingent upon obtaining a Release and Covenant Not to Sue from Sonic Drive In.

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Item 16, being:

AMENDMENT NO. THREE TO CONTRACT NO. K-0405-131: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND POE AND ASSOCIATES, INC., IN AN AMOUNT NOT-TO-EXCEED \$21,000 FOR ADDITIONAL ENGINEERING SERVICES FOR THE EAST LINDSEY STREET WIDENING PROJECT BETWEEN JENKINS AVENUE AND CLASSEN BOULEVARD.

Councilmember Cubberley moved that Amendment No. Three to Contract No. K-0405-131 with Poe and Associates, Inc., in an amount not-to-exceed \$21,000 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Memorandum dated October 29, 2009, from Lonnie Ferguson, Capital Projects Engineer, to Honorable Mayor and Councilmembers
2. Amendment No. Three to Contract No. K-0405-131 with Attachment 1A, Compensation for Amendment 3 to Lindsey Street Widening Project, Jenkins Avenue to BNSF Railroad
3. Purchase Requisition No. 0000164740 dated November 16, 2009, in the amount of \$21,000 to Poe and Associates, Inc.

Participants in discussion

1. Mr. Shawn O’Leary, Director of Public Works

Item 16, continued:

and the question being upon approving Amendment No. Three to Contract No. K-0405-131 with Poe and Associates, Inc., in an amount not-to-exceed \$21,000 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Amendment No. Three to Contract No. K-0405-131 with Poe and Associates, Inc., in an amount not-to-exceed \$21,000 approved; and the execution thereof was authorized.

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Item 17, being:

AMENDMENT NO. TWO TO CONTRACT NO. K-0607-63: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND POE AND ASSOCIATES, INC., INCREASING THE CONTRACT AMOUNT BY \$109,500 TO PROVIDE SITE DESIGN AND CONSTRUCTION SERVICES FOR TEN (10) ADDITIONAL WATER WELL HOUSES FOR THE UTILITIES DEPARTMENT AND ADOPTION OF RESOLUTION NO. R-0910-75.

Acting as the Norman Utilities Authority, Trustee Cubberley moved that Amendment No. Two to Contract No. K-0607-63 with Poe and Associates, Inc., increasing the contract amount by \$109,500 be approved, the execution thereof be authorized, and Resolution No. R-0910-75 be adopted, which motion was duly seconded by Trustee Kovach;

Items submitted for the record

1. Memorandum dated November 9, 2009, from Jim Speck, Capital Projects Engineer, to Norman Utilities Authority
2. Amendment No. Two to Contract No. K-0607-63 with Attachment A, Scope of Services; Attachment B, Compensation; and Attachment C, Time Schedule for Scope of Services Performance
3. Location map
4. Resolution No. R-0910-75
5. Purchase Requisition No. 0000164705 dated November 16, 2009, in the amount of \$109,500 to Poe and Associates, Inc.

Participants in discussion

1. Mr. Jim Speck, Capital Projects Engineer

and the question being upon approving Amendment No. Two to Contract No. K-0607-61 with Poe and Associates, Inc., increasing the contract amount by \$109,500 and upon the subsequent authorization and adoption, a vote was taken with the following result:

YEAS:	Trustees Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and Amendment No. Two to Contract No. K-0607-61 with Poe and Associates, Inc., increasing the contract amount by \$109,500 approved; the execution thereof was authorized and Resolution No. R-0910-75 was adopted.

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Item 18, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0809-102: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND SHAWN SAWYER IN AN AMOUNT NOT-TO-EXCEED \$75,400 TO PROVIDE CONSTRUCTION INSPECTION SERVICES FOR THE INDUSTRIAL INTERCEPTOR; LITTLE RIVER INTERCEPTOR; NORTHWEST INTERCEPTOR; SOUTHEAST BISHOP CREEK, PHASE 2B; LIFT STATION D FORCE MAIN; AND TECUMSEH INTERCEPTOR PROJECTS AND EXTENDING THE CONTRACT TO DECEMBER 31, 2010.

Acting as the Norman Utilities Authority, Trustee Cubberley moved that Amendment No. One to Contract No. K-0809-102 with Shawn Sawyer in an amount not-to-exceed \$75,400 extending the contract to December 31, 2010, be approved, and the execution thereof be authorized, which motion was duly seconded by Trustee Kovach;

Items submitted for the record

- 1. Memorandum dated October 30, 2009, from Mark Daniels, Utilities Engineer, to Norman Utilities Authority
- 2. Amendment No. One to Contract No. K-0809-102 with Attachment A, Schedule; Attachment B, Scope of Services; and Attachment C, Compensation
- 3. Purchase Requisition No. 0000164152 dated November 2, 2009, in the amount of \$75,400 to Shawn Sawyer

and the question being upon approving Amendment No. One to Contract No. K-0809-102 to Shawn Sawyer in an amount not-to-exceed \$75,400 extending the contract to December 31, 2010, upon the subsequent authorization, a vote was taken with the following result:

YEAS: Trustees Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal

NAYES: None

The Chairman declared the motion carried and Amendment No. One to Contract No. K-0809-102 with Shawn Sawyer in an amount not-to-exceed \$75,400 extending the contract to December 31, 2010, approved; and the execution thereof was authorized.

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Item 19, being:

CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-0809-160 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND APOLLO BUILDING SYSTEMS, INC., FOR POLICE DEPARTMENT TRAINING FACILITY PROJECT.

Councilmember Cubberley moved that the project be accepted and final payment in the amount of \$18,966 to Apollo Building Systems, Inc., be directed, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

- 1. Memorandum dated October 27, 2009, from Phil Cotten, Chief of Police, to Honorable Mayor and City Council
- 2. Invoice No. 5092 dated September 21, 2009, from Apollo Building Systems, Inc., for the Norman Police Training Facility Addition in the amount of \$53,018, subtracting payment in the amount of \$34,052
- 3. Purchase Order No. 173885 dated June 15, 2009, in the amount of \$53,018 subtracting payments totaling \$34,052 leaving a balance of \$18,966

and the question being upon accepting the project and upon the subsequent directive, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the project accepted; and final payment in the amount of \$18,966 to Apollo Building Systems, Inc., was directed.

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Item 20, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-0910-27: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND RED CLIFF, INC., INCREASING THE CONTRACT AMOUNT BY \$57,273.68 TO MODIFY THE SPECIFICATIONS TO USE A THICKER PIPE IN AREAS WHERE THE TRENCH EXCEEDS 20 FEET FOR THE LITTLE RIVER INTERCEPTOR, PHASE III, AND NORTHWEST INTERCEPTOR PROJECTS.

Acting as the Norman Utilities Authority, Trustee Cubberley moved that Change Order No. One to Contract No. K-0910-27 with Red Cliff, Inc., increasing the contract amount by \$57,273.68 be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Kovach;

Items submitted for the record

1. Memorandum dated November 10, 2009, from Mark Daniels, Utilities Engineer, to Norman Utilities Authority
2. Change Order No. One to Contract No. K-0910-27
3. Purchase Order No. 178503 dated September 29, 2009, in the amount of \$1,637,392 adding Change Order No. One in the amount of \$57,273.68 for a total contract price of \$1,694,665.68

and the question being upon approving Change Order No. One to Contract No. K-0910-27 with Red Cliff, Inc., increasing the contract amount by \$57,273.68 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Trustees Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and Change Order No. One to Contract No. K-0910-27 with Red Cliff, Inc., increasing the contract amount by \$57,273.68 approved; and the execution thereof was authorized.

* * * * *

Mayor Rosenthal said in the interest of full disclosure, she was employed by the University of Oklahoma and the following item does not represent any benefit for her personally or there was no direct or indirect conflict that would require her to recuse from voting on the item. There is no benefit, detriment, or employment consequence to her as an employee of the University of Oklahoma.

* * * * *

Item 21, being:

CONSIDERATION OF THE FOLLOWING:

CONTRACT NO. K-0910-113: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA TO PROVIDE ACCESS THROUGH UNIVERSITY OF OKLAHOMA CONDUIT TO ONE PARTNERS PLACE FOR PLACEMENT OF A FIBER OPTIC LINE ALONG DAVID BOREN AVENUE AS PART OF THE FIBER OPTIC PROJECT.

ADDENDUM NO. ONE TO CONTRACT NO. K-0809-118: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND TRANS-TEL CENTRAL, INC., ADDING ONE PARTNERS PLACE AS ONE OF THE PROJECT AREAS INCLUDED NI THE FIBER OPTIC PROJECT LOCATED ALONG DAVID BOREN AVENUE FOR THE FIBER OPTIC PROJECT.

CHANGE ORDER NO. TWO TO CONTRACT NO. K-0809-118: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND TRANS-TEL CENTRAL, INC., INCREASING THE CONTRACT AMOUNT BY \$60,351.60 TO PROVIDE ADDITIONAL WORK ON LINDSEY STREET AT MCGEE DRIVE, JENKINS AVENUE, ASP AVENUE, AND ED NOBLE PARKWAY, THE STREET MAINTENANCE FACILITY, AND ALONG 24TH AVENUE AS WELL AS THE FIBER OPTIC LINE AT ONE PARTNERS PLACE LOCATED ALONG DAVID BOREN AVENUE FOR THE FIBER OPTIC PROJECT AND BUDGET APPROPRIATION.

Councilmember Cubberley moved that Contract No. K-0910-113 with the Board of Regents of the University of Oklahoma be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Kovach;

Item 21, continued:

Items submitted for the record

- 1. Memorandum dated November 12, 2009, from Kari Madden, Network Manager, to the Honorable Mayor and City Councilmembers
- 2. Contract No. K-0910-113 with Exhibit A, location map
- 3. University of Oklahoma Signature Authority for Contracts, Purchase Orders, and Similar Documents

and the question being upon approving Contract No. K-0910-113 with the Board of Regents of the University of Oklahoma and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Contract No. K-0910-113 with the Board of Regents of the University of Oklahoma approved; and the execution thereof was authorized.

Thereupon, Councilmember Cubberley moved that Addendum No. One to Contract No. K-0809-118 with Trans-Tel Central, Inc., be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

- 1. Memorandum dated November 12, 2009, from Kari Madden, Network Manager, to the Honorable Mayor and City Councilmembers
- 2. Addendum No. One to Contract No. K-0809-118

and the question being upon approving Addendum No. One to Contract No. K-0809-118 with Trans-Tel Central, Inc., and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Addendum No. One to Contract No. K-0809-118 with Trans-Tel Central, Inc., approved; and the execution thereof was authorized.

Thereupon, Councilmember Cubberley moved that Change Order No. Two to Contract No. K-0809-118 with Trans-Tel Central, Inc., increasing the contract amount by \$60,351.60 be approved, the execution thereof be authorized, and \$60,351.60 be appropriated from the Capital Fund Balance (050-0000-253-20-00) to Telecommunications Equipment/Computer Hardware (010-3021-419.53-01), which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

- 1. Memorandum dated November 12, 2009, from Kari Madden, Network Manager, to the Honorable Mayor and City Councilmembers
- 2. Change Order No. One to Contract No. K-0809-118 with work detail and project description
- 3. Purchase Order No. 169297 dated February 12, 2009, to Trans-Tel Central, Inc., in the amount of \$619,425 adding Change Order Nos. One and Two totaling \$120,842.60 for a total contract price of \$740,267.60

Item 21, continued:

and the question being upon approving Change Order No. Two to Contract No. K-0809-118 with Trans-Tel Central, Inc., increasing the contract amount by \$60,351.60 and upon the subsequent authorization and appropriation, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Change Order No. Two to Contract No. K-9809-118 with Trans-Tel Central, Inc., increasing the contract amount by \$60,351.60 approved; the execution thereof was authorized and \$60,351.60 was appropriated from the Capital Fund Balance (050-0000-253-20-00) to Telecommunications Equipment/Computer Hardware (010-3021-419.53-01).

* * * * *

Item 22, being:

CONSIDERATION OF THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$35,000 FROM THE OKLAHOMA HIGHWAY SAFETY OFFICE TO BE USED BY THE POLICE DEPARTMENT TO HOST A DRUG RECOGNITION EXPERT TRAINING CLASS, APPROVAL OF CONTRACT NO. K-0910-118, AND BUDGET APPROPRIATION.

Councilmember Cubberley moved that a grant in the amount of \$35,000 from the Oklahoma Highway Safety Office to be used by the Police Department to host a Drug Recognition Expert training class be accepted; Contract No. K-0910-118 be approved; execution of the contract be authorized; Drug Recognition Expert Training Grant Revenue (022-0000-331.13-30) be increased by \$35,000; and \$25,000 be appropriated to Professional Services/Workshops and Seminars (022-6037-421.46-04) and \$10,000 to General Supplies/Employee Training (022-6037-421.30-13), which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Memorandum dated November 9, 2009, from Phil Cotten, Chief of Police, to Honorable Mayor and City Council
2. Letter dated September 15, 2009, from Scott E. Watkins, Director, Oklahoma Highway Safety Office, to Major Jim Maisano, Norman Police Department
3. Contract No. K-0910-118

and the question being upon accepting a grant in the amount of \$35,000 from the Oklahoma Highway Safety Office to be used by the Police Department to host a Drug Recognition Expert training class and upon the subsequent approval, authorization, increase, and appropriation, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and a grant in the amount of \$35,000 from the Oklahoma Highway Safety Office to be used by the Police Department to host a Drug Recognition Expert training class accepted; Contract No. K-0910-118 was approved; execution of the contract was authorized; Drug Recognition Expert Training Grant Revenue (022-0000-331.13-30) was increased by \$35,000; and \$25,000 was appropriated to Professional Services/Workshops and Seminars (022-6037-421.46-04) and \$10,000 to General Supplies/Employee Training (022-6037-421.30-13).

* * * * *

Councilmember Kovach said he is a Board Member of On Trac, a Rail Advocacy Group, and he is not required to disclose because he has no direct conflict or benefit regarding the following item. He said he is making this information available to the public in the interest of full disclosure.

* * * * *

Item 23, being:

RESOLUTION NO. R-0910-65: A RESOLUTION OF COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, EXTENDING SUPPORT FOR THE OKLAHOMA DEPARTMENT OF TRANSPORTATION AMERICAN RECOVERY AND REINVESTMENT ACT GRANT APPLICATION FOR HIGH SPEED INTERCITY PASSENGER RAIL.

Councilmember Cubberley moved that Resolution No. R-0910-65 be adopted, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

- 1. Memorandum dated November 18, 2009, from Shawn O’Leary, Director of Public Works, to Honorable Mayor and Councilmembers
- 2. Resolution No. R-0910-65
- 3. Letter dated November 25, 2009, from Cindy Rosenthal, Mayor of the City of Norman, to Mr. Gary Ridley, Secretary of Transportation, Oklahoma Department of Transportation
- 4. Oklahoma TIGER Grant Applications, High Speed Intercity Passenger Rail Applications

Participants in discussion

- 1. Mr. David C. Streb, Director of Engineering, Oklahoma Department of Transportation
- 2. Mr. Joe Shepard, 14202 Mesquite Road, asked questions

and the question being upon adopting Resolution No. R-0910-65, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-0910-65 was adopted.

* * * * *

Item 24, being:

RESOLUTION NO. R-0910-69: A RESOLUTION OF COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$35,000 FROM THE JUVENILE LIABILITY FUND TO BE USED FOR DATA CABLING AND FURNISHINGS FOR THE MUNICIPAL COURT INTERIM FACILITY PROJECT.

Councilmember Cubberley moved that Resolution No. R-0910-69 be adopted, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

- 1. Memorandum dated November 6, 2009, from Ronda Guerrero, Municipal Court Administrator, to Honorable Mayor and Councilmembers
- 2. Resolution No. R-0910-69

and the question being upon adopting Resolution No. R-0910-69, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-0910-69 was adopted.

* * * * *

Item 25, being:

PROCLAMATION NO. P-0910-10: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING NOVEMBER 23 THROUGH 27, 2009, AS TOBACCO FREE WEEK IN THE CITY OF NORMAN.

Councilmember Cubberley moved that receipt of Proclamation No. P-0910-10 proclaiming November 23 through 27, 2009, as Tobacco Free Week in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

- 1. Proclamation No. P-0910-10

Participants in discussion

- 1. Mr. Travis Humphrey, Chair of Tobacco Free Coalition for Cleveland County, accepted the proclamation, thanked the Council, and expressed appreciation and presented a plaque to Mr. Jud Foster, Director of Parks and Recreation, for promoting a smoke-free environment in City of Norman parks

and the question being upon acknowledging receipt of Proclamation No. P-0910-10 proclaiming November 23 through 27, 2009, as Tobacco Free Week in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and receipt of Proclamation No. P-0910-10 proclaiming November 23 through 27, 2009, as Tobacco Free Week in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 26, being:

CONSIDERATION OF NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-0910-1 FOR WESTRIDGE FARMS ADDITION.

Councilmember Cubberley moved that Norman Rural Certificate of Survey No. COS-0910-1 be approved and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

- 1. Memorandum dated October 16, 2009, from Ken Danner, Development Manager, to Honorable Mayor and Councilmembers
- 2. Private Water Service Line Agreement
- 3. Location maps
- 4. Norman Rural Certificate of Survey Plat, Westridge Farms Addition, prepared by Red Plains Surveying Company, Certificate of Authorization No. 3948
- 5. Staff Report dated October 8, 2009, recommending approval
- 6. Pertinent excerpts from Planning Commission minutes of October 8, 2009
- 7. Memorandum dated June 6, 2003, from Jeff F. Raley, City Attorney, to Jimmy Berry, Director, Public Works
- 8. Process of Creating an Improvement District
- 9. Memorandum dated July 11, 2002, from Jeff F. Raley, City Attorney, to the Honorable Mayor and City Councilmembers
- 10. Ordinance No. O-0203-1 with Assessment Roll for West Tecumseh Road Water Improvement District

Participants in discussion

- 1. Mr. Tom McCaleb, SMC Consulting Engineers, P.C., 815 West Main Street, Oklahoma City, engineer representing applicant
- 2. Mr. Mark Daniels, Utilities Engineer
- 3. Mr. Jeff Bryant, City Attorney

Item 26, continued:

and the question being upon approving Norman Rural Certificate of Survey No. COS-0910-1 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Ezzell, Quinn, Mayor Rosenthal
NAYES:	Councilmembers Butler, Cubberley, Griffith, and Kovach

The Mayor declared the motion failed and Norman Rural Certificate of Survey No. COS-0910-1 was not approved.

* * * * *

Item 27, being:

RESOLUTION NO. R-0910-70: A RESOLUTION OF COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE NORMAN PARKS AND RECREATION MASTER PLAN AND DIRECTING AND PROVIDING GUIDANCE TO CITY STAFF AS IT PROCEEDS WITH THE DEVELOPMENT OF A PLAN TO IMPLEMENT THE RECOMMENDATIONS CONTAINED IN THE PLAN.

Councilmember Griffith moved that Resolution No. R-0910-70 be adopted, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Memorandum dated November 12, 2009, from Jud Foster, Director of Parks and Recreation, to Honorable Mayor and Councilmembers
2. Resolution No. R-0910-70 with attachment, a Legacy for the Next Generation – the Norman Parks and Recreation Master Plan Key Recommendations and Implementation Actions
3. Exception to the Parks and Recreation Master Plan, Key Recommendations – 2010 – 2020, from Nancy Yoch, received October 1, 2009
4. Pertinent excerpts of Board of Parks Commissioners minutes of October 1, 2009
5. City Council Study Session minutes of October 20, 2009
6. Draft of the Norman Parks and Recreation Master Plan, A Legacy for the Next Generation, prepared by Halff Associates, Inc.

Participants in discussion

1. Mr. Jud Foster, Director of Parks and Recreation
2. Ms. Jackie Farley, Chair of the Parks Master Plan Steering Committee
3. Mr. Jim Carillo, Vice President of Halff Associates, Inc.
4. Ms. Nancy Yoch, 617 Okmulgee, Parks Master Plan Steering Committee members, spoke in support of an Aquatic Facility
5. Mr. Roger Gallagher, 1522 East Boyd Street, spoke in support of an Aquatic Facility
6. Mr. Bobby Stevens, 3801 108th Avenue S.E., made comments
7. Mr. Joe Shepard, 14202 Mesquite Road, protestant
8. Mr. Mark Campbell, 2821 Dewey Avenue, asked questions
9. Mr. Stephen Koranda, Executive Director of the Norman Convention and Visitors Bureau, proponent
10. Mr. Kent Nicholson, 2643 South Pickard Avenue, spoke in support of an Aquatic Facility
11. Mr. Jim Stanley, 3922 Pine Tree Circle, made comments

and the question being upon adopting Resolution No. R-0910-70, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-0910-70 was adopted.

* * * * *

Item 28, being:

ORDINANCE NO. O-0910-9: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, FIXING THE COMPENSATION OF THE CITY MANAGER AS PROVIDED BY ARTICLE XVII, SECTION 1, OF THE CHARTER OF THE CITY OF NORMAN; PROVIDING FOR AN EFFECTIVE DATE FOR COMPENSATION TO BEGIN; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-0910-9 having been Introduced and adopted upon First Reading by title in City Council's meeting of November 10, 2009, Councilmember Quinn moved that Ordinance No. O-0910-9 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Butler;

- Items submitted for the record
1. Ordinance No. O-0910-9

and the question being upon adopting Ordinance No. O-0910-9 upon Second Reading section by section, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler,
Cubberley, Ezzell, Griffith, Kovach,
Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Ordinance No. O-0910-9 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-0910-9 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Quinn; and the question being upon adopting Ordinance No. O-0910-9 upon Final Reading as a whole, the roll was called with the following result:

YEAS:

Councilmembers Atkins, Butler,
Cubberley, Ezzell, Griffith, Kovach,
Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Ordinance No. O-0910-9 was adopted upon Final Reading as a whole.

* * * * *

Item 29, being:

ADDENDUM NO. THREE TO CONTRACT NO. K-0708-32: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND STEVEN D. LEWIS, CITY MANAGER, FOR THE CITY OF NORMAN.

Councilmember Kovach moved that Addendum No. Three to Contract No. K-0708-32 with Steven D. Lewis be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Atkins;

- Items submitted for the record
1. Addendum No. Three to Contract No. K-0708-32
2. Legislatively notated copy of Addendum No. Three to Contract No. K-0708-32
- Participants in discussion
1. Ms. Jeanette Coker, 620 East Main Street, asked questions
2. Mr. Bobby Stevens, 3801 108th Avenue S.E., made comments

and the question being upon approving Addendum No. Three to Contract No. K-0708-32 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler,
Cubberley, Ezzell, Griffith, Kovach,
Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Addendum No. Three to Contract No. K-0708-32 approved; and the execution thereof was authorized.

* * * * *

At the request of Council, Item 32, Miscellaneous Discussion, was considered before Item 30.

* * * * *

MISCELLANEOUS DISCUSSION

Security Measures at City Hall. Mr. Bobby Stevens, 3801 108th Avenue S.E., said he recently attended a meeting at Cleveland County and complimented the County for installing a metal detector. He asked if City Hall was considering installing a metal detector.

Mr. Steve Lewis, City Manager, said there are enhanced security measures included in the improvements currently underway at Municipal Court although metal detectors are not being installed. He said this past year, a police officer has been on duty at the City Council meetings as a security measure. He said he wanted City Hall to be an open and comfortable place to come; however, he is aware of tragedies occurring in other cities and does not want the same thing to happen in Norman.

*

Public Safety Sales Tax. Mr. Bobby Stevens, 3801 108th Avenue S.E., asked if he could get a report of the Public Safety Sales Tax funds received to date and how the money is being spent.

Mr. Steve Lewis, City Manager, said when the Public Safety Sales Tax was approved, a Public Safety Oversight Committee was commissioned at the same time. He said the Committee met on a monthly basis and at those meetings, the Finance Department presented a review of the revenues and expenses. He said Mr. Anthony Francisco, Finance Director, could provide that information to Mr. Stevens.

*

Millage Rates. Mr. Roger Gallagher, 1522 East Boyd Street, said he received his Cleveland County Property Tax Statement and noted that the City of Norman's Sinking Fund had increased 75% from last year. He asked if something unusual had occurred to cause such a large increase.

Mr. Anthony Francisco, Finance Director, said the Sinking Fund is used for repayment of debt service on General Obligation Bonds voted by the citizens and judgments of the courts against the City. Those judgments can be paid off over a three-year period and applied to the property tax rolls. There have been no major increases to the millage rate for debt service payment; however, there have been some rather large settlements against the City within the past few years that have been applied to the property tax rolls. While the City portion of the ad valorem tax bill remains a very minute portion of the total tax bill, the City's portion has increased proportionately.

Ms. Sylvia Martin, Post Office Box 430, asked what those judgments were.

Mr. Jeff Bryant, City Attorney, said he did not have a complete list but a few of the larger settlements within the last two years were the acquisition of the Sutton Wilderness Park extension and acquisition of property for the Robinson Street Underpass Project. He said all settlements were presented to the City Council for approval before the judgments were effectuated.

Ms. Martin said it was really important for people to understand how the City pays a judgment when it is approved by City Council.

Mayor Rosenthal noted that City Council will be adjourning into Executive Session this evening to discuss settlement of a Workers' Compensation case. She said the City Clerk has indicated that in the future the language will be more precise about effectuating the settlement through property taxes.

*

Train/Pedestrian Accidents. Mr. Mark Campbell, 2821 Dewey Avenue, said he read about a recent pedestrian/train fatality. He asked if the City of Norman could prohibit liquor stores being located in close proximity to a railroad crossing.

Mayor Rosenthal said that would be a property issue between the developer and the owner of the property.

*

Miscellaneous Discussion, continued:

Happy Thanksgiving. Councilmembers Kovach and Quinn wished everyone a Happy Thanksgiving.

*

Shop Norman. Councilmember Quinn encouraged everyone to “Shop Norman” this holiday season.

* * * * *

At the request of Council, Item 30, was considered after Item 32, Miscellaneous Discussion.

* * * * *

Item 30, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 § 307(B)(4) IN ORDER TO DISCUSS THE STATUS OF A SETTLEMENT FOR FEDERAL MEDIATION CONCILIATORY SERVICE NO. 091211-52126-8 FILED BY TED CHAAT, FORMER ANIMAL CONTROL OFFICER.

Councilmember Quinn moved that the City Council meeting be adjourned out of and an Executive Session be convened into in order to discuss the status of a settlement for Federal Mediation Conciliatory Service No. 091211-52126-8 filed by Ted Chaat, former Animal Control Officer, which motion was duly seconded by Councilmember Cubberley; and the question being upon adjourning out of the City Council meeting and convening into an Executive Session in order to discuss the status of a settlement for Federal Mediation Conciliatory Service No. 091211-52126-8 filed by Ted Chaat, former Animal Control Officer, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the City Council meeting adjourned out of; and an Executive Session was convened into in order to discuss the status of a settlement for Federal Mediation Conciliatory Service No. 091211-52126-8 filed by Ted Chaat, former Animal Control Officer.

The City Council adjourned into Executive Session at 9:00 p.m. Mr. Jeff Bryant, City Attorney, Mr. Rick Knighton, Assistant City Attorney, and Mr. Steve Lewis, City Manager, were in attendance at the Executive Session.

Mayor Rosenthal acknowledged return to Open Session and Councilmember Cubberley moved that the Council Meeting be reconvened, which motion was duly seconded by Councilmember Kovach; and the question being upon reconvening the Council Meeting; a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the City Council meeting was reconvened at 9:35 p.m.

The Mayor said the status of a settlement for Federal Mediation Conciliatory Service No. 091211-52126-8 filed by Ted Chaat, former Animal Control Officer, was discussed in Executive Session. No action was taken and no votes were cast.

* * * * *

Item 31, being:

CONSIDERATION OF A RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT FOR FEDERAL MEDIATION CONCILIATORY SERVICE NO. 091211-52126-8 FILED BY TED CHAAT, FORMER ANIMAL CONTROL OFFICER, IN THE AMOUNT OF \$25,000.

Councilmember Kovach moved that the City Attorney's recommendation be approved and the City Attorney's Office be authorized to effectuate the settlement, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Memorandum dated November 9, 2009, from Rickey J. Knighton, II, Assistant City Attorney, through Jeff Harley Bryant, City Attorney, to Honorable Mayor and Councilmembers

Participants in discussion

- 1. Mr. Jeff Bryant, City Attorney

and the question being upon approving the City Attorney's recommendation and upon the subsequent authorization, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the City Attorney's recommendation approved; and the City Attorney's Office was authorized to effectuate the settlement.

* * * * *

ADJOURNMENT

There being no further business, Councilmember Quinn moved that the meeting be adjourned, which motion was duly seconded by Councilmember Kovach; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the meeting was adjourned at 9:36 p.m.

ATTEST:

City Clerk

Mayor